Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claim 1 has been amended to clarify that the audio or audio/visual streams that are examined and improved in quality by the content analysis means are those that are already stored in the recording collection. Thus, if a stream stored in the collection is corrupt, or contains commercials, or is of low quality otherwise, the stored stream or appropriate portions thereof can be replaced with a higher quality version by the content analysis means. This is described at page 4, lines 16-18 and 26-31; page 8, line 23 to page 9, line 27; Figure 4 (at steps 168, 170, and 172). Claim 17 has been amended in a similar fashion.

The rejection of claims 1, 2, 4, 10, 11, and 17-19 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,212,327 to Berstis et al. ("Berstis") in view of U.S. Patent No. 6,128,650 to De Vos et al. ("De Vos") and U.S. Application Publ. No. 2002/0184636 to Vogel ("Vogel") is respectfully traversed.

Berstis teaches a data processing system, such as a set top box, which monitors a network supplied data stream. Upon detection of user-defined data items, the system controls an appropriate record/playback device to record a broadcast associated with the detected data item.

De Vos teaches a video/audio data serving system, which is intended to be connected to a plurality of end devices. On page 3 of the office action, the PTO cites to De Vos's teaching of storage means and user output means.

The PTO acknowledges that the combination of Berstis and De Vos is deficient in teaching a content analysis means, and cites Vogel's use of a system that records television programs. The Vogel system detects commercials in the incoming transmission and pauses the recording process until the commercials have ended, thereby avoiding their recording such that the stored program is commercial-free. However, Vogel does not teach analyzing the content of streams that are already stored, such that if a better quality transmission is detected the stored stream can be replaced or edited, and indeed this would not be possible to do with the VCR system described in Vogel. Bertis and De Vos are similarly deficient in this regard.

Advantageously the present invention allows the quality of the recording collection to be improved over time, which is clearly not possible with the video cassettes used in accordance with Vogel, and in fact the video cassettes described therein are instead likely to deteriorate with the passage of time.

Thus, the combination of Bertis, De Vos, and Vogel fails to teach a system as claimed, which includes "content analysis means (56) [that] improves the quality of the audio or audio/visual stream *stored in the recording collection* by comparing a title in the audio or audio/visual recording collection (48, 50) to a title stored in a real time file system or a common memory and either: (i) *replacing a title in the audio or audio/visual recording collection* (48, 50) with a title stored in the real time file system or the common memory or (ii) *replacing portions of the title in the audio or audio/visual recording collection* in order to remove voice over portions or defects of any kind or commercials" (emphasis added). For this reason, the rejection of claim 1 (and claims 2, 4, 10, and 11 dependent thereon) should be withdrawn.

Similarly, the combination of Bertis, De Vos, and Vogel fails to teach a method as claimed, which includes the step of "examining and *improving a quality* of an audio or audio/visual stream *stored in the audio/visual collection* and identifying at least one of: a profile of the stream, voice over sections of the stream, degraded sections of the stream, and commercial detection, wherein improving the quality of the audio or audio/visual stream *stored in the audio/visual collection* comprises comparing a title in the audio or audio/visual recording collection (48, 50) to a title stored in a real time file system or a common memory and either: (i) replacing a title in the audio or audio/visual recording collection with a title stored in the real time file system or the common memory or (ii) replacing portions of the title in the audio or audio/visual recording collection (48, 50) in order to remove voice over portions or defects of any kind or commercials." For this reason, the rejection of claim 17 (and claims 18 and 19 dependent thereon) should be withdrawn.

Because the combination of Bertis, De Vos, and Vogel would not have rendered obvious the presently claimed subject matter , the rejection of claims 1, 2, 4, 10, 11, and 17-19 should be withdrawn.

The rejection of claims 3 and 20 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis and De Vos further in view of U.S. Application Publ. No. 2004/0019497 to Volk et al. ("Volk") is respectfully traversed.

At pages 3-4 of the outstanding office action, the PTO acknowledges that the combination of Berstis and De Vos fails to disclose content analysis means as recited in claims 1 and 17. However, at page 5 of the office action, the PTO fails to indicate how Volk overcomes these deficiencies. Therefore, the rejection of claims 3 and 20 over the combination of Berstis, De Vos, and Volk is improper and should by withdrawn.

To the extent that the PTO intended to reject claims 3 and 20 over the combination of Berstis, De Vos, Vogel, and Volk, applicants submit that Volk fails to overcome the above-noted deficiencies of Berstis, De Vos, and Vogel as applied to claims 1 and 17 above, in which case that rejection would also have been deficient.

The rejection of claims 5 and 21 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis, De Vos, and Vogel further in view of U.S. Application Publ. No. 2002/0083060 to Wang et al. ("Wang") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis, De Vos, and Vogel with respect to claims 1 and 17 are set forth above. The PTO asserts at page 6 of the office action that Wang teaches "a method for recognizing an audio sample from a database indexing a large set of original recordings." Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Wang does not overcome the above-noted deficiencies of the combination of Berstis, De Vos, and Vogel with respect to claims 1 and 17, from which claims 5 and 21 respectively depend. Therefore, this rejection should be withdrawn.

The rejection of claim 7 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis, De Vos, and Vogel further in view of U.S. Patent No. 6,337,947 to Porter et al. ("Porter") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis, De Vos, and Vogel with respect to claim 1 is set forth above. The PTO asserts at page 7 of the office action that Porter teaches "a method for customized editing and/or censoring of video and/or audio signals." Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Porter does not overcome the above-noted deficiencies of the combination of Berstis, De Vos, and Vogel with respect to claim 1 from which claim 7 depends. Therefore, this rejection should be withdrawn.

The rejection of claims 8 and 9 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis, De Vos, and Vogel further in view of U.S. Application Publ. No. 2002/0047899 to Son et al. ("Son") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis, De Vos, and Vogel with respect to claim 1 is set forth above. The PTO asserts at page 8 of the office action that Son teaches that the various formats recited in claim 8 and the use of plug-ins. Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Son does not overcome the above-noted deficiencies of the combination of

Berstis, De Vos, and Vogel with respect to claim 1 from which claims 8 and 9 depend. Therefore, this rejection should be withdrawn.

This submission is accompanied by a three-month extension of time and a request for continued examination. All fees associated with this submission should be charged to deposit account 14-1138. Any overpayment or underpayment should be applied to this same account.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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